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enjoyments than on the pressure of the economic environment. If this is true there will be no practical opposition between sociologists and economists. The tendencies of their respective fields will take them farther and farther apart, no matter how much ground they may individually attempt to cover.

University of Pennsylvania.

S. N. PATTEN.

Evolution of the Aryan. By RUDOLPH VON JHERING. Translated from the German. 8vo. Price, \$3.00. New York: Henry Holt & Co., 1898.

The genius of Jhering for importing life and character into the remote past, so strikingly exhibited in his "*Geist des Römischen Rechts*" and his "*Zweck im Recht*," is to be seen reflected in the pages of his "*Vorgeschichte der Indo-Europäer*," accessible to English readers in the "Evolution of the Aryan," an English translation by A. Drucker, M. P.*

It may be admitted that the period covered by the book is so vast and so obscure, and, it may be said without danger of extravagance, so impenetrable, that Jhering is safe against successful criticism so far forth as antagonistic *facts* may go. There are hypotheses which, in the absence of recoverable facts, but, in the light of recovered evidences, are unsound. And this seems to be the one fault of Jhering's book.

The sources of his inspiration respecting the Aryans, in their original home, are Zimmer (*Alt Indisches Leben*), Schrader (*Sprachvergleichung und Urgeschichte*), and Heyn (*Kulturpflanzen und Haustiere*). While admitting that some respectable opinion is the other way, he casts his vote in favor of the views of the majority and places the original habitat of the Aryans in Bactria or Central Asia. From this source he thinks the Aryans migrated to the seats of their later permanent settlements, stopping for several centuries by the way and taking their tremendous journey by easy stages which, in a grand total, covered over a thousand years.

Now if it should turn out, after all, that the probabilities are against a location in Central Asia, and such a wonderful migration, and that this so-called migration was only a movement of tribes, as tribes often move, from place to place, either because of restlessness or pressure from contiguous regions, all of this hypothesis of Jhering, and the structure which he built upon it, would fall to pieces.†

* The translation is taken as the basis of this review.

† Cp. Schrader, *Sprachvergleichung und Urgeschichte*, Book I and Book IV, Chap. XIV; Taylor, *Origin of the Aryan*, 52; Meitzen, *Siedlung und Agrarw.*, Vol. II, Chap. XIII.

Following Jhering, we are informed that this migration was not occasioned by the performance of any sacred duty, but in order that the propertied class and the householders and the elderly members might not be seriously affected in their livelihood by the pressing of increasing population against the means of subsistence.

The mass of the emigrants consisted, when they started out, of young men and young women. But before they went forth forever from their original home they were provided with cattle and other things, to help sustain them on their way.

Still guided by Jhering, we find that this mass was disciplined and had its leader, and that it had a corps of bridge-builders and a corps of fire-maidens. These corps of bridge-builders and fire-maidens are felt to be necessary to account for the later Roman pontifices and vestal virgins. Jhering sees no other way of accounting for the pontifices and vestal virgins. It is strange that nowhere, in all savage or barbarous life, whether looked at in the wilds of Africa, America or Australia or elsewhere to-day, or in the pages of Cæsar or Tacitus or Posidonius or Herodotus, are we able to find such novel conceptions as corps of bridge-builders or fire-maidens.

Then it was of the utmost importance, in order that a migration of a mass for a thousand years might appear plausible, to tell us how this mass came to be formed—how, in other words, from scattering tribal hordes an aggregate could be obtained of sufficient social cohesiveness to hold together in a great body, presided over by a gradation of leaders, and pregnant with corps or guilds of artificers and fire-maidens, for a millennium. This has not been attempted by Jhering. And yet it was a tremendous assumption to proceed upon the idea, which is manifest in the work, that this migrating aggregate could so hold together that its identity throughout a millennium could be predicated, and it could be spoken of through all that time as the same migrating body. Indeed the very thought of migration extending over a thousand years appears to the ordinary mind an improbability. No migrating body can last a thousand years and be at all the same migrating body, and no body that changes as much as a social mass must change in a millennium can be spoken of as undergoing a migration of a thousand years. The horde of herdsmen would long have ceased to have the semblance of influence with which they started out at a period a century after the start was made.

Between the indefinite period of their setting forth and their final advent in Europe the Aryans had acquired agriculture, commerce, maritime institutions, a city life, and higher aspects of statehood than were possible to a pastoral people. These were obtained from

the Semites who settled in early Sumeria and Accadia. This fertile country, with its two rivers, and its favorable sea-way to India, gave rise to all the higher forms of activity essential to convert an aggregate of herdsmen into settled agriculturists, and into agents of commerce and city life, and a developed statehood. And these products spreading to Egypt and Phœnicia impregnated the Aryan races, and lifted them on the wave of progress, until they outstripped the Semite.

It must be conceded that the savants who have explored the *tells* of Mesopotamia, Palestine, Arabia and Egypt, combined with the accounts of the ancients, have brought home to us a knowledge of a civilization in the country of the Euphrates and the Tigris, and from thence westward in Asia, and in Egypt, which we had little dreamed of. And there is considerable basis, in this way, for the development which Jhering predicates of the Semite. It appears, too, that at the same period of time the peoples known to us as descendants of the Aryans had attained no such civilization. And the indications are that European peoples were greatly affected by the development which had occurred in Egypt and on the eastern shores of the Mediterranean. But Jhering forces the dependence of the development of the European peoples upon Semitic factors too far.

It is not entirely certain that Egypt did not develop independently a civilization, an agriculture, a commerce, a knowledge of city life and statehood. In fact the probabilities are that it did. And while Phœnicia may have owed much to early developments in the land of the Euphrates and Tigris, it is not improbable that it made a development of its own. Even ancient Greece might lay claim to originating its own commerce and other incidental things.* In fact, in the absence of roads, and in sight of the fact that intercommunication between primitive people is slow and within narrow dimensions, it is more than likely that where, in districts wide apart, before the era of colonization had yet set in, they developed an agriculture, a commerce, a city life, they did this in virtue of the possession and development of coequal potential mental and social powers; in other words, this followed "from the identity in the mental construction of the individual man, wherever he is found." †

* Cp. Tsountas, *Mycenæan Age*, 354.

† Brinton, *Religions of Primitive People*, citing *Zeitschrift für Völkerpsychologie*, Bd. XI, 5, 124; Hartland, *The Science of Fairy Tales*, 2; Post, *Grundriss der Ethnologischen Jurisprudenz*, Bd. 1, 4. Nadillac, *Prehistoric America*, 340, 524, 525 (Putnam), also affirms the same doctrine, and his facts fully sustain him. The independent discovery and use of agriculture among American tribes is shown in his book, and

This is attested by the palaces and temples and fortresses of Peru, Central America, Mexico and Arizona, and is the only means of satisfying the theories of the sociologists.* Moreover, Jhering should tell us, if he wishes to be clear, what the polity and institutions peculiar to what Professor Cunningham calls the "palace city" of remote antiquity, had in them that begot the "commercial city" of later antiquity.† The city of the early Babylonian was a palace city. But the Phœnicians begot the commercial city. And the Greeks created those mother and sister cities—sometimes palace, or as Tsountas calls them, fortress cities,‡ and sometimes commercial cities—which gave rise to the later national integrities.§

Jhering repudiates the theories of Fustel de Coulanges, and therefore he ignores the productions of B. W. Leist,|| and W. E. Hearn.¶ Now the two last named authors are not to be despised, more particularly Leist. There is much reason for saying that these three authors have dealt with fundamental characteristics of the old Aryan, [if the old Aryan came from Central Asia,] when they speak of the worship of the hearth, the household organon, the household gods, and in tracing these things into the Komæ and Poleis and practices and injunctions of the later periods. While there is justification for saying that Jhering has put these theories to the test, in so far as he shows their inharmoniousness with the actual treatment by the old Aryan of the aged and infirm, yet a reference to the Scriptural narratives will show just such conditions as Leist predicates, even though immolation of children was practiced. The curious phenomena known as *phonos akousias* and *phonos ekousias* in early Greek polity are strangely similar to phenomena chronicled in Scriptures, and so are the accounts of the levirate, of cities of refuge and vicarious atonement by the sacrifice of animal life.** Coulanges may well claim that the views he has so well for-

is otherwise well known. He shows these acquisitions among others in America: Megalithic tombs, 425; sacrifices, 296; deluge myth, 529; customs and laws, 280, 313, 314, 364, 439; art of mummifying, 429; cotton production, 449; mining, 179; roads and bridges, 349, 421; aqueducts, 413; trade, 463.

* Cp. Spencer, *Principles of Sociology*; Giddings, *Principles of Sociology*.

† Cunningham, *Western Civilization*, 93 (Cambridge Hist. Series).

‡ *Mycenæan Age*, Chapter II.

§ Cunningham, *Western Civilization*, § 44; Id. 135, N. 3.

|| *Graeco Italische Rechtsgeschichte*; same *Jus Gentium*: same *Jus Civile*.

¶ *Aryan Household*.

** Cp. Leist, *Graeco-Ital.*, R. G. §§ 46-49 and pp. 348, 369, 392, 401-404; Lev. i. 4, iii. iv. 15, 24; Num. vii. 15-27, 27-29, 33-35, 39 *seq.*, xxxiii., xxxviii. 15, 19, 21, 22 **xxxv.**; Deut. iv. 41, 42, xv. 19, xvii. 1, xix., xxv. 5-10.

tified are sustained by evidences which need far more than Jhering has presented to overthrow them.* Indeed we are not apt to grasp the true character of the ancient life as it was lived until we have translated ourselves into an atmosphere of superstition, incantation and ceremonialism that goes with bloody sacrifices and barbaric impulse.†

Having launched out in the field of pure speculation, Jhering opened himself to the danger which speculation holds in store for its votaries; he failed to establish anything that one is safe in laying hold of and adopting as established.

This posthumous production comes forth in a fragmentary form. Jhering was aware of its tentative nature, though he did not on this account appear to doubt the correctness of his views. If he had been spared to finish the work he might have avoided some of its discrepancies. But, however much he might have added to the line of discussion pursued, and whatever increased interest and instruction his work might thereby have afforded, he still would have been unable to fill in the enormous hiatus which exists in this long period, by tracing back Roman customs and beliefs to a period of barbarism and herding life nor to a conjectured migration lasting over a thousand years.

MORRIS M. COHN.

Little Rock, Ark.

The Origin and Growth of the Moral Instinct. By ALEXANDER SUTHERLAND, M. A. Two volumes, pp. xiii, 461; vi, 336. Price, \$8.00. London: Longmans, Green & Co., 1898.

Mr. Sutherland aims at demonstrating the truth of Adam Smith's theory that sympathy is the basis of the moral sense, by a comprehensive induction covering the fields of zoölogy, physiology, sociology, law, psychology and philosophy. He admits in his preface that one who would deal with so many sciences "must content himself with a very moderate depth in each," and his pages may betray to those more familiar with other sciences the "lack of technical knowledge" which, so far as psychology and philosophy are concerned, is painfully evident to the reviewer. Yet the book contains a large amount of valuable material systematized with a degree of care for which many who do not agree with Mr. Sutherland's conclusions will be grateful.

* *Evolution of the Aryan*, 41-48.

† Cp. Brinton, *Religions of Primitive People*; Smith, *Religion of the Semites*; Post Bausteine, etc.; Cp. Spencer, *Principles of Sociology*, Parts I, IV and V.